

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
Southern Division

TRACY ADAMS, on behalf of herself and
others similarly situated,

Case No. 2:18-cv-12731

Plaintiff,
v.

Hon. Denise Page Hood

SETERUS, INC.,

Defendant.

Andrew J. McGuinness (P42074)
ANDREW J. MCGUINNESS, ESQ.
122 S. Main St., Ste 118
P.O. Box 7711
Ann Arbor, MI 48107
Tel. (734) 274-9374
drewmcg@topclasslaw.com

Scott C. Harris (*admitted*)
WHITFIELD BRYSON & MASON LLP
900 W Morgan St.
Raleigh, NC 27603
Tel. (919) 600-5000
scott@wbmlp.com

Edward Maginnis
MAGINNIS LAW, PLLC
4801 Glenwood Avenue, Suite 310
Raleigh, North Carolina 27612
Tel. (919) 526-0450
emaginnis@maginnislaw.com

Counsel for Plaintiff and the Proposed Class

Ari M. Charlip (P57285)
James A. Martone (P77601)
DICKENSON WRIGHT PLLC
2600 W. Big Beaver Road, Ste. 300
Troy, MI 48084
Tel. (248) 433-7200
acharlip@dickinsonwright.com
jmartone@dickinsonwright.com

Counsel for Defendant

PLAINTIFF'S UNOPPOSED MOTION TO EXTEND TIME
TO SERVE EXPERT REPORT

Plaintiff Tracy Adams, on behalf of herself and others similarly situated, moves the Court for an extension of time in which to serve an expert report. In support of this Motion, Plaintiff states as follows:

1. On October 11, 2019, Plaintiff filed a Motion for Partial Reconsideration, ECF # 22, seeking reconsideration of a portion of this Court's ruling on Defendant's motion to dismiss. ECF # 18.

2. On June 1, 2020, Plaintiff filed an unopposed Motion to Modify Scheduling Order. ECF # 30. In that motion, Plaintiff observed that the Court had *sub judice* her motion for partial reconsideration, and that the Court's ruling on that motion may impact Plaintiff's expert designations. Plaintiff's Motion to Amend Scheduling Order requested a deadline for Plaintiff's expert report of 30 days after the Court ruled on her Motion for Partial Reconsideration.

3. On June 26, 2020, the Court issued an amended scheduling order setting September 28, 2020, as the deadline for service of Plaintiff's expert report. ECF # 32. This Court has not yet ruled on Plaintiff's Motion for Partial Reconsideration.

4. On September 25, 2020, Plaintiff's expert, Manuel Newburger of Austin, Texas, suffered a broken left arm that has kept him on a narcotic painkiller since he was admitted to the emergency room. Mr. Newburger is scheduled for surgery on September 29, 2020. It is presently unknown how long

he will be on medication following the surgery. Mr. Newburger will require a several-week recuperation period post-surgery to recover from both anesthesia and the effects of pain medication.

5. Mr. Newburger is a practicing attorney, with an active consulting business in the field of debt collection standards and practices. He will require additional time after recuperation from his accident and his surgery to complete other pressing obligations in his professional practice.

6. Accordingly, Plaintiff respectfully requests, for good cause shown, that the Court amend its scheduling order to EITHER: (i) permit Plaintiff to serve an expert report 30 days after the Court rules on her pending Motion for Partial Reconsideration; OR (ii) permit Plaintiff to serve her expert report by no later than November 15, 2020, whichever occurs later.

7. As required by Local Rule 7.1, counsel for the parties have conferred, and Plaintiff's counsel has stated via email that he does not oppose this requested extension.

WHEREFORE, Plaintiff requests that the deadline for service of Plaintiff's expert reports be extended to 30 days after a ruling on her Motion for Partial Reconsideration, or November 15, 2020, whichever later occurs.

Dated: September 29, 2020

Respectfully submitted,



Andrew J. McGuinness (P42074)
ANDREW J. MCGUINNESS, ESQ.
122 S. Main St., Ste 118
P.O. Box 7711
Ann Arbor, MI 48107
Telephone: (734) 274-9374
drewmcg@topclasslaw.com

Scott C. Harris (*admitted*)
WHITFIELD BRYSON & MASON LLP
900 W. Morgan Street
Raleigh, North Carolina 27603
Telephone: (919) 600-500
scott@wbmlp.com

Edward H. Maginnis (*admitted*)
MAGINNIS LAW, PLLC
4801 Glenwood Avenue, Suite 310
Raleigh, North Carolina 27612
Telephone: 919-526-0450
emaginnis@maginnislaw.com

Counsel for Plaintiff and the Proposed Class

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the above date a copy of the foregoing was filed electronically with the Court using the ECF system, which will send notification to all parties who have appeared through their counsel of record.

/s/ Andrew J. McGuinness

Andrew J. McGuinness

Counsel for Plaintiff and Proposed Class